

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

In re:

**Administrative Order 98-5**

**ADOPTION OF AMENDED LOCAL RULES  
AND CLARIFICATION OF STATUS OF  
ADMINISTRATIVE ORDERS**

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In accordance with Rule 9029, Federal Rules of Bankruptcy Procedure and Rule 87.1, Local Rules, U.S. District Court, Southern District of Florida, the court has undertaken a review of the local rules. Pursuant to Title 28, United States Code, § 2077(b), the court appointed an advisory committee for the study of the rules of practice and internal operating procedures of the court. The court, having considered the committee's recommendations and having given notice and the opportunity for public comment pursuant to 28 U.S.C. § 2071(b), Rule 9029, Federal Rules of Bankruptcy Procedure and Rule 83, Federal Rules of Civil Procedure, held a public en banc hearing on July 23, 1998, to consider the adoption of the proposed amendments to the local rules. The court, having considered the comments received and having modified the rules accordingly, has unanimously determined to adopt the proposed amendments as modified and **ORDERS** as follows:

1. The new amended local rules are adopted in the form attached as Exhibit "A" and shall apply to all pending and future cases effective December 1, 1998.
2. The court's "Guidelines for Compensation for Professional Services or Reimbursement of Expenses by Attorneys for Chapter 13 Debtors Pursuant to Local Rule 2016-1(B)(2)(a)" ("Chapter 13 Fee Guidelines") and the court's Local Form "Application for Compensation for Professional Services or Reimbursement of Expenses by Attorney for Chapter 13 Debtor" as referenced by amended Local Rule 2016-1, shall be effective for all cases filed on or after December 1, 1998. A copy of the "Chapter 13 Fee Guidelines" and the Local Form "Application for Compensation for Professional Services or Reimbursement of Expenses by Attorney for Chapter 13 Debtor" are attached as Exhibits "B" and "C".
3. Upon the effective date of the new amended local rules, the former local bankruptcy rules adopted August 1, 1996 with technical revisions adopted by Administrative Order 96-2 and the following previously issued administrative orders are rescinded based upon the incorporation of their provisions, in whole or as modified, in the new amended local rules:

Administrative Order 98-4 - Order Clarifying Applicability of Local Rule 607 to Chapter 13 Cases and Setting Forth Procedure for Abandonment of Property by Chapter 13 Trustees

Administrative Order 98-3 - Scheduling of Chapter 13 Confirmation Hearings and Deadlines For Filing and Serving Amended Chapter 13 Plans and Amended Schedules and Statements and Other Papers

Administrative Order 98-1 - Order Designating Change in Hours of Public Access to the Clerk's Office and Order Establishing After-Hours Depositories For Filing Papers With the Clerk's Office

Administrative Order 97-6 - Order Amending Local Rules to Reflect Amendments to Federal Rules of Bankruptcy Procedure

Administrative Order 97-5 - Order Amending Local Rules 302(C)(2)(b), 404(A)(2)(b) and 407(B)(2) (Amended 1/16/98)

Administrative Order 97-3 - Procedures for Motions to Reopen or Reinstate Chapter 13 Cases, and Motions to Rehear, Reconsider or Vacate Orders Dismissing Chapter 13 Cases

Administrative Order 97-2 - Order Directing Clerk of Court to Refuse Petitions Not in Compliance with the Rules or Orders of the Court

Administrative Order 97-1 - Implementation of "Courtesy" Copy Filing Requirement

Administrative Order 96-3 - Entry of Order Granting Application by Individual Debtor(s) to Pay Filing and Administrative Fees in Installments

Administrative Order 96-2 - Technical Revisions to Local Rules and Clarification of Status of Administrative Orders

Administrative Order 96-1 - Adoption of Amended Local Rules

4. In addition to this Order, the following administrative orders affecting practice and procedures in this court have not been rescinded and therefore remain in effect:

Administrative Order 98-2 - Order Establishing New Compensation Rate for Mediators and Clarifying Effective Date of New Rate

Administrative Order 94-3 - Registry Fund Fees

5. In accordance with 28 U.S.C. § 2071(d), Rule 9029, Federal Rules of Bankruptcy Procedure, and Rule 83, Federal Rules of Civil Procedure, the Clerk of Court shall furnish a copy of the new amended local rules to the Eleventh Circuit Judicial Council and the Director of the Administrative Office of the United States Courts. Furthermore, the Clerk of Court shall give appropriate public notice of the adoption of the new local rules and arrange for copies of the new rules to be made available to the public.

**ORDERED** in the Southern District of Florida on September 15, 1998 .

/s  
A. JAY CRISTOL  
Chief United States Bankruptcy Judge

/s  
ROBERT A. MARK  
United States Bankruptcy Judge

/s  
PAUL G. HYMAN, JR.  
United States Bankruptcy Judge

/s  
STEVEN H. FRIEDMAN  
United States Bankruptcy Judge

/s  
RAYMOND B. RAY  
United States Bankruptcy Judge

c: Clerk of Court

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

**GUIDELINES FOR COMPENSATION FOR PROFESSIONAL SERVICES OR  
REIMBURSEMENT OF EXPENSES BY ATTORNEYS FOR CHAPTER 13 DEBTORS  
PURSUANT TO LOCAL RULE 2016-1(B)(2)(a)**

The following Guidelines apply in all chapter 13 cases in the Southern District of Florida filed on or after December 1, 1998.

These Guidelines also apply to payments by other parties on behalf of debtors. Notwithstanding these Guidelines, any fees paid by debtors shall continue to be subject to the federal and local rules which govern payment of filing fees in installments.

**(A) Compensation and Expenses Allowed Without Application to the Court. Limits on Compensation and Expenses Allowed.** Without application to the court, attorneys for debtors in chapter 13 cases shall be permitted to charge an attorney's fee not to exceed \$2,500.00 per case, whether individual or joint, and to receive expenses, including the filing fee and up to \$75.00 in other estimated expenses, subject to the following conditions:

- (1)** If the case is dismissed or converted prior to confirmation and if the retainer agreement so provides, the attorney for the debtor may request and receive fees from monies paid to the chapter 13 trustee without separate application to the court, but the total fee, including any fees previously paid, may not exceed \$2,000.00.
- (2)** If the attorney is required to file modifications to the plan after confirmation, whether individual or joint, the attorney may charge an additional fee no greater than \$500.00 per approved modification without separate application to the court if the retainer agreement authorized these additional fees.
- (3)** Reimbursement for expenses, other than the filing fee, that exceed \$75.00 shall require a separate application for reimbursement of expenses filed pursuant to paragraph (B) of these Guidelines. Reimbursement for expenses in excess of \$75.00 shall be permitted only as allowed pursuant to section D, "Reimbursement of Expenses and Services", of the court's "Guidelines for Fee Applications for Professionals in the Southern District of Florida in Bankruptcy Cases" (G-1).

**(B) Compensation and Expenses Requiring Application and Court Approval.** Attorneys seeking compensation or expenses which exceed the limits set forth in paragraph (A) of these Guidelines shall submit the court's Local Form "Application for Compensation for Professional Services or Reimbursement of Expenses by Attorney for Chapter 13 Debtor" (LF-69) on or before the deadlines established by Local Rule 2016-1(C)(4). This requirement applies to initial fee applications as well as to additional or supplemental applications. The application shall:

- (1)** describe in detail the actual or estimated services or expenses for which compensation or reimbursement is sought; and
- (2)** include as an attachment a copy of the retainer agreement, if any.

**Exhibit "B"**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

In re:

Case No.  
Chapter 13

\_\_\_\_\_  
Debtor(s). /

**APPLICATION FOR COMPENSATION FOR PROFESSIONAL SERVICES  
OR REIMBURSEMENT OF EXPENSES BY ATTORNEY FOR  
CHAPTER 13 DEBTOR**

Applicant, \_\_\_\_\_, was retained by the debtor with leave of the court to serve in this bankruptcy case as attorney for debtor. A copy of the retainer agreement is attached as Exhibit "A". Applicant hereby requests the court to approve compensation and reimbursement of expenses as follows:

Total Fees Requested: \$ \_\_\_\_\_

Total Expenses to be Reimbursed: \$ \_\_\_\_\_

Amount Received To-Date: \$ \_\_\_\_\_  
(exclusive of filing fees)

Amount to be Paid through Plan: \$ \_\_\_\_\_

1. The amount requested, if allowed, will be paid in full after \_\_\_\_\_ monthly payments under the plan.

2. A detailed itemization of the services rendered to date and corresponding time entries is attached as Exhibit "B".

3. Applicant estimates that an additional \_\_\_\_\_ hours will be required to be expended in providing legal services on behalf of the debtor(s) described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Exhibit "C"**

4. The following is a short statement of any unusual, troublesome or unique aspects of this case which resulted in or will result in more than the usual amount of time being expended and more than the usual amount of costs being incurred:

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5. The source of compensation previously paid to applicant was \_\_\_\_\_

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6. Applicant has not shared or agreed to share any compensation received in connection with the bankruptcy case with any person or entity other than a member or regular associate of applicant's firm. (If such a sharing arrangement exists, it should be disclosed in this paragraph.)

**DATED:** \_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
Phone

c: Debtor  
Chapter 13 Trustee